

Message Text

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71

ACTION AF-18

INFO OCT-01 EUR-25 ISO-00 INT-08 STR-08 AID-20 CIAE-00

COME-00 EB-11 FRB-02 INR-10 NSAE-00 RSC-01 TRSE-00

XMB-07 OPIC-12 SPC-03 CIEP-02 LAB-06 SIL-01 OMB-01

DRC-01 (ISO) W

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P R 171626Z JAN 74

FM AMEMBASSY LOME

TO SECSTATE WASHDC PRIORITY 7189

INFO AMEMBASSY ABIDJAN

AMEMBASSY ACCRA

AMEMBASSY COTONOU

AMEMBASSY DAKAR

AMEMBASSY NIAMEY

AMEMBASSY OUAGADOUGOU

AMEMBASSY PARIS

AMEMBASSY RABAT

C O N F I D E N T I A L LOME 0134

E.O. 11652: GDS

TAGS: EMIN, TO, PFOR

SUBJ: TOGOLESE PHOSPHATES

REF: (A) LOME 0098; (B) LOME 0090, (C) LOME 0086; (D) PARIS

1146 (NOTAL)

1. CTMB LOCAL MANAGER SALESSE CONFIRMS THAT SO-CALLED LEGAL BASIS FOR PRESIDENT EYADEMA'S FIXING OF GOT OWNERSHIP IN CTMB AT 51 PERCENT IN RETURN FOR CONTRIBUTION OF PHOSPHATE DEPOSIT (REFS B AND C) IS ORDINANCE 35 OF 18 OCTOBER 1973. (POUCHING COPIES TO AF/W-BISHOP.) SIGNED BY PRESIDENT EYADEMA, ORDINANCE PROVIDES IN ARTICLE 7 THAT, AMONG OTHER THINGS, GOVERNMENT MAY PARTICIPATE (PEUT ETRE INTERESSE) IN MINING OPERATIONS THROUGH (CONTRIBUTION OF (MINERAL) DEPOSIT TO CAPITAL OF CONCESSIONARY COMPANY." ARTICLE 7 ADDS THAT IN ANY CASE PARTICIPATION OF CONFIDENTIAL

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STATE MAY NOT BE LESS THAN 40 PERCENT OF COMPANY'S CAPITAL.

NO UPPER LIMIT IS MENTIONED NOR IS 51 PERCENT.

2. SALESSE SAYS THAT CTMB CIVIL ADMINISTRATOR HOUYVET, WHO ARRIVED IN LOME ON DAY OF PRESIDENT'S JANUARY 10 SPEECH, LEFT JANUARY 14 WITHOUT OBTAINING FURTHER CLARIFICATION OF PUESTION. HE WAS TOLD ONLY THAT GOT WOULD SEND MISSION TO PARIS TO DISCUSS MATTER. NOTHING HAS HAPPENED SINCE, ACCORDING TO SALESSE.

3. I HAVE NOT HEARD THAT GOT GAVE ANYONE IN COMPANY ANY ADVANCE NOTICE OF WHAT PRESIDENT WAS TO SAY, MUCH LESS THREE DAYS MENTIONED IN REF D. HOWEVER I SHALL TRY TO CHECK THIS POINT WITH FRENCH AMBASSADOR, WITH WHOM I HAVE APPOINTMENT TOMORROW. I SHALL ALSO ASK HIM ABOUT OTHER POINTS MENTIONED BY REBEYROL, E.G. REPORTED TOGOLESE PROMISE OF COMPENSATION AND POSSIBLE SENDING OF DELEGATION FROM PARIS TO LOME TO DISCUSS IT.

4. BECAUSE OF GRACE'S RELUCTANCE THUS FAR TO HAVE ME INTERVENE, AND DESPITE GENERAL INSTRUCTIONS PROVIDED DEPT'S A-10523, OF 20 DECEMBER 1973, I HAVE NOT RAISED PRESIDENT'S ACTION WITH ANY TOGOLESE AUTHORITIES AND WILL NOT DO SO UNLESS AND UNTIL INSTRUCTED BY DEPARTMENT. ALTHOUGH SOME OF THINGS PRESIDENT HAS SAID IN SUPPORT OF HIS POSITION ARE UNTRUE OR DISTORTED, HE HAS ATTACHED HIS NAME TO THEM AND ANY ATTEMPT TO CORRECT HIM WOULD BE DELICATE AND PROBABLY COUNTERPRODUCTIVE. I DOUBT THAT PRESIDENT INTENDS TO COMPENSATE FOREIGN SHAREHOLDERS FOR HIS ACTION, BUT IF DEPT AND GRACE WISH ME TO RAISE QUESTION, AT LEAST FOR RECORD, I SHALL BE GLAD TO DO SO.

D*CKINSON

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